

Plaintiff's Name Randy PerezInmate No. AR 2930Address P.O. Box 4400A-3 # 244Wasco, C.A. 93380

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EASTERN DISTRICT OF CALIFORNIA
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CLERK U.S. DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

Randy Perez

(Name of Plaintiff)

1:22 CV 00390 DAD-BAM

(Case Number)

vs.

G. CervantesDental Doctor (Doe #1)Cassie DominguezMr/Ms Cronjager (head of
health & safety)

(Names of all Defendants)

1ST
AMENDED CIVIL RIGHTS COMPLAINT UNDER:☒ 42 U.S.C. 1983 (State Prisoner)☐ Bivens Action [403 U.S. 388 (1971)] (Federal Prisoner)

I. Previous Lawsuits (list all other previous or pending lawsuits on additional page):

A. Have you brought any other lawsuits while a prisoner? Yes ___ No ✓B. If your answer to A is yes, how many? 0

Describe previous or pending lawsuits in the space below. (If more than one, attach additional page to continue outlining all lawsuits in same format.)

1. Parties to this previous lawsuit:

Plaintiff _____

Defendants _____

2. Court (if Federal Court, give name of District; if State Court, give name of County)

3. Docket Number _____ 4. Assigned Judge _____

5. Disposition (Was the case dismissed? Appealed? Is it still pending?) _____

II. Exhaustion of Administrative Remedies

NOTICE: Pursuant to the Prison Litigation Reform Act of 1995, "[n]o action shall be brought with respect to prison conditions under [42 U.S.C. § 1983], or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted." 42 U.S.C. § 1997e(a). Prior to filing suit, inmates are required to exhaust the available administrative remedy process, *Jones v. Bock*, 549 U.S. 199, 211, 127 S.Ct. 910, 918-19 (2007); *McKinney v. Carey*, 311 F.3d 1198, 1999 (9th Cir. 2002), and neither futility nor the unavailability of money damages will excuse the failure to exhaust, *Porter v. Nussle*, 534 U.S. 516, 524, 122 S.Ct. 983, 988 (2002). If the court determines that an inmate failed to exhaust prior to filing suit, the unexhausted claims will be dismissed, without prejudice. *Jones*, 549 U.S. at 223-24, 127 S.Ct. at 925-26.

A. Is there an inmate appeal or administrative remedy process available at your institution?

Yes ☒ No _____

B. Have you filed an appeal or grievance concerning ALL of the facts contained in this complaint?

Yes ☒ No _____

C. Is the process completed?

Yes ☒

If your answer is yes, briefly explain what happened at each level.

Well at the first level they said she didn't violate C.D.C.R. policy.
Then at the final level they allowed their time to pass and that it
was closed. They ultimately failed to give a proper remedy.

No _____

If your answer is no, explain why not.

III. Defendants

List each defendant's full name, official position, and place of employment and address in the spaces below. If you need additional space please provide the same information for any additional defendants on separate sheet of paper.

A. Name G. Cervantes is employed as Dental Nurse/Assistant
Current Address/Place of Employment 701 Scofield ave; Wasco, C.A. 93380

B. Name Doe #1 is employed as Dental Doctor

Current Address/Place of Employment 701 Scofield ave, Wasco, C.A. 93380

C. Name Cassie Dominguez is employed as Supervising Dental Assistant

Current Address/Place of Employment 701 Scofield ave; Wasco, C.A. 93380

D. Name Mr/Mrs Cronjager is employed as Head of Health & Safety

Current Address/Place of Employment 701 Scofield ave; Wasco, C.A. 93380

E. Name N/A is employed as N/A

Current Address/Place of Employment N/A

IV. Causes of Action (You may attach additional pages alleging other causes of action and the facts supporting them if necessary. Must be in same format outlined below.)

Claim 1: The following civil right has been violated (e.g. right to medical care, access to courts, due process, free speech, freedom of religion, freedom of association, freedom from cruel and unusual punishment, etc.):

Assault & Battery, freedom from assault & battery by G. Cervantes

Supporting Facts (Include all facts you consider important to Claim 1. State what happened clearly and in your own words. You need not cite legal authority or argument. Be certain to describe exactly what each defendant, by name, did to violate the right alleged in Claim 1.):

While at the Wasco State Prison dental facility laying in a submissive vulnerable back position in the doctor's chair ready for surgery. Nurse/Doc assistant Ms. G. Cervantes purposely, repetitively & repeatedly used her knee to assault me in the head numerous times as if she was a professional kickboxer in a tournament. She kneed my side & top head more than four aggressive times. I yelled in pain & out of surprise & said "Hey" "Excuse Me" that hurts alot. She never appologized yet she rolled her eyes at me to acknowledge her violent act's. As a prisoner I have

I have rights to be protected from force & misuse. During the rest of having my tooth filled & operated on, while in a defenseless position with my mouth wide open. G. Cervantes used the dental suction tube to forcefully stab the inside of my mouth, my inside cheek, & my gums so hard & bad that blood began to gush & leak from the lacerations deliberately caused by G. Cervantes. She acted out of pure anger, frustration & wanton disrespect when she couldn't get her way because I did not allow her to manipulate me and assist her in stopping my treatment & allowing her to go home early. Regular behavior as the court should know from other professional doctor visits is. The nurse's & doctor's hold the tube gently, & do not stab patients w/it. They cautiously maneuver around patients, not knee hit or assault them in any way.

Claim 2: The following civil right has been violated (e.g. right to medical care, access to courts, due process, free speech, freedom of religion, freedom of association, freedom from cruel and unusual punishment, etc.):

Due Process of Policy by the Doctor (Doe 1) & Ms. G. Cervantes

Supporting Facts (Include all facts you consider important to Claim 2. State what happened clearly and in your own words. You need not cite legal authority or argument. Be certain to describe exactly what each defendant, by name, did to violate the right alleged in Claim 2.):

As a state Prisoner I have a right to receive unequivocal dental treatment. This is not only the process but policy as well. Deliberate Indifference was shown when G. Cervantes interfered w/ the treatment that the doctor ordered. And the doctor at that time did not hold G. Cervantes accountable for her violent actions & replace her w/ a professional nurse. The doctor aided this bad character's actions, as her superior he should be held accountable as well. Once I arrived Ms. G. Cervantes went into a wild tirade at me about how I need to refuse treatment for that day. She told me that the treatment retained while in prison could mostly cause me the risk of infection in an attempt to defour me & cause stress as It has physical & mental, she said the street's doctor's are safer more sterile &

Sanitary. At that point I told the doctor I did not agree to get treatment that day & a small argument ensued. Now, the duty of care owed to me as a prisoner is suppose to be the same that is owed to private patients. Medical staff / corpsmen are obligated & obliged to exercise the same standard of care while working in a prison as while working in a hospital in a free society. This is a matter of Rules of Adoption regarding inmate's. These action's are contrary to the regular process of preparing the station for the doctor per the doctor's request. Not persuade & lie to the patient all to coerce them to cancel their treatment so you can play hooky at work & leave early for a (see attachment)

V. Relief

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

for potential damage's cause to my mouth, teeth & nerve damage plus humiliation & pain & suffering w/ emotional mental damage I am asking for Monetary & Declaratory damage's of \$310,000 (Three hundred & Ten thousand dollars). And, for future damage's.

I declare under penalty of perjury that the foregoing is true and correct.

Date: 6-8-2022

Signature of Plaintiff: 

-concert or date night, that is 100% unprofessional. Gr. Cervantes attempted with all her wisdom, & sheer actions to thwart my need for a serious medical need. Also, she can't interfere w/medical judgement by factor's unrelated to my medical needs.

Claim 3

Excessive force

supporting facts: Gr. Cervantes exhibited excessive force when she slapped me in the face w/a dental pamphlet, and when she jabbed the inside of my mouth causing blood & pain. There was no cause for any physical harm/contact to me outside the scope of her job requirements. This action of force or physical contact was meant to cause me harm, discomfort, & pain rather than keep order all because I did not do her devilish dealings. Ms. Gr. Cervantes used force as a deter for me to opt. for an early go home.

Claim 4

A 4th Amendment violation of objectively unreasonable force

The force of verbal curse's, dissuading & personal degrading abuse was objectively unreasonable because no professional speak's to client's or patient's in such a matter. To yell at me & berate my personal space & character & intelligence is demeaning unethical & against the medical moral code & oath she & the doctor took.

8th Amendment violation of Malicious & Sadistic actional violence

Supporting facts:

These gross actions of violence in a physical manner, verbal oration, body gesture's & all other unconventional communication G. Cervantes exhibited a show of non-legitimately justified & completely out of proportion to the need of medical treatment upon me or any other person. And, in furtherance, these actions of her's were designed to frighten & degrade myself & was a show of assault with no penological justification becomes repugnant force intended solely to humiliate, & is not de minimis. Convicted or not I have a right to be protected from misuse of force of cruel or in this case "Unusual" punishment.

Claim 6

Medical Malpractice

Supporting facts:

G. Cervantes exhibited & carried out numerous seeable violations & constituted medical malpractice on her behalf against her medical oath, & her educational training in the medical field. By Delaying the treatment & showing no concern for me, it is only believed that G. Cervantes failed to properly obtain & review my medical records properly. These actions can easily cause me injury to have had knowledge, skill & care ordinarily possessed & employed by members of the profession in good standing. These actions also include ordinary mistakes & in advertence's.

Allowing pain & suffering to fall upon me. Impeded on right to grieve

Supporting Fact's:

Cassie Dominguez the supervising dental assistant interviewed me & confirmed G. Cervantes was Unprofessional assault & battery upon me. Said G. Cervantes verbally expressed dismay & rage about having to work & do overtime the day of my assault carried out by G. Cervantes. Ms. Cassie Dominguez knowingly acknowledged her constituents bad behavior, & yet did nothing to reprimand her. I was then told that I should stop my 602 seeking administrative remedies, Ms. Cassie Dominguez attempted & carried out a persuasive act to impede on my right to grieve as a 1st Amendment right. She acknowledged that the need to leave early was the reason that I was assaulted by G. Cervantes & the main reason for her bad behavior, attitude, violent behavior, & unprofessionalism toward's me.

Claim 8

continued inflicted pain & maimed by dental Employee's

Supporting Fact's

Mr./Ms. Cronjager of the health & Safety is solely responsible for the highering training & continuous training of all her/his employee's. By highering G. Cervantes, Cassie Dominguez & The dental Doctor and allowing them to treat human beings with disrespect & physical harm is a huge strike against her department. for being in charge of highering & firing, training & facilitating Mr./Ms. Cronjager should be held accountable as well and put on the chopping block. My lower teeth still are in pain, & feels as if pieces of them brake of everytime I chew. My mouth is beyond sensitive as if nerve damage occurred & It is extremely difficult for me to eat & my weight is slowly debilitating from this pain,